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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,437	11/03/2003	Jan Andre Jozef Schutyser	117634	1517
23369	7590	12/19/2005	EXAMINER	
HOWREY LLP C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DRIVE, SUITE 200 FALLS CHURCH, VA 22042-7195			SANDERS, KRIELLION ANTIONETTE	
ART UNIT		PAPER NUMBER		
				1714
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,437	SCHUTYSER ET AL.	
	Examiner Kriellion A. Sanders	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 fails to set forth any method steps. The claim defines a method for applying general industrial coatings by a method comprising applying the coating. The claim defines the procedure of applying by the step of applying. The claim does not particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The method of claim 10 is also defined as applying the coating composition. Claims 9 and 10 are not differentiated, since they use the exact same method steps.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8 and 13-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 0 814 104.

6. The reference anticipates the use of at least one 1,3,5 triazine compound corresponding directly to those of the present claims. The description of at least one indicates that more than one may be present. Therefor, a mixture of these compounds is anticipated. The compounds are formulated into coatings. See claims 1, 9 and 16 and page 4, line 6 through page 5, line 32.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 814 104 as applied to claims 1-8 and 13-19 above, in view of the EP 0 814 104 patented disclosure at page 7, Examples 1 and 2 and further in view of WO 98/18856.

9. The reference describes a method for making carbamate-modified melamine wherein a base is mixed with the melamine, followed by addition of an organic carbamate, neutralization by an acid purification of the substance by vacuum strip and addition of alcohol. The process differs from applicant's process in the purification method. Filtering and washing of substances is a well known purification process in the art. This is documented by WO 98/18856, in Example 1, wherein carbamate-modified melamines are produced. In the absence of unexpected results attributable to the purification step of filtering and washing, the use of either filtering and

washing or vacuum strip would have been well within the realms of the ordinary practitioner of this art absent a clear showing of unexpected results attributable to the purification step.

10. Claim 1-8 and 13-19 are rejected under 35 U.S.C. 103(ab) as being unpatentable over WO 98/18856, Forgione et al., US Patent No. 4710542, Gehret et al., US Patent No. 4732899, Gupta et al., 5852133, and Flood et al, US Patent No. 6063922.

11. The WO 98/18856 reference discloses the use of mixtures of 1,3,5 triazine compound corresponding directly to those of the present claims. The references to Forgione et al., Gehret et al., Gupta et al. and Flood et al. disclose carbamate modified triazine compounds that directly correspond to those of applicant's mixtures of compounds. The patents are silent to the percentages of carbamate groups present on the triazine rings. However, the presence of the carbamates is inherent to the compositions and there is overlap in the present and patented triazine structures, rendering applicant's claims obvious. The triazine compounds of the patents are formulated into coatings.

12. See the WO 98/18856 reference at the abstract; claims 1, 4 and 6 and page 5, line 1 through page 7, line 6.

13. See claim 1 of Forgione et al., Gehret et al., Gupta et al. and Flood et al.

***Information Disclosure Statement***

Prior art cited on form 1449 must include both a month and year of publication to be fully considered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 6:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kriellion A. Sanders  
Primary Examiner  
Art Unit 1714

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